

Remarks

Claims 2-9 are canceled.

Claims 1, 10-16 and 20-22 are amended.

Claims 1 and 10-22 are now present in this application.

The present claims are amended to remove reference to the sterically hindered N-hydroxylamine strong acid salts.

A continuation application is filed on or about this same date to re-claim the deleted subject matter.

The claims are now focused on where the stabilizers are dialkyl N-hydroxylamine salts.

No new matter is added with the present amendments.

Claims 1-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-5 and 19-27 of co-pending app. No. 10/762,077, U.S. published app. No. 2004/0170779.

Applicants will offer a terminal disclaimer over the co-pending application, upon all other issues being resolved.

Claims 1-8 and 16-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-17 of co-pending app. No. 10/466,034, U.S. published app. No. 2004/0074417.

As the present claims are focused on where the stabilizers are dialkyl hydroxylamine salts, there is no possible overlap of the present claims with the disclosure of this reference.

The present claims require that at least one of R₅₁ and R₅₂ contains a hydrogen alpha to the –NOH moiety. The stabilizers of co-pending published app. No. 2004/0074417 are sterically hindered, that is they contain no hydrogens alpha to the –NOH moiety.

Applicants submit that these obviousness-type double patenting rejections are addressed and are overcome.

Claims 1-8 and 16-22 are rejected under 35 USC 102(b) as being anticipated by WO02/055618, the corresponding PCT publication to U.S. published app. No. 2004/0074417.

Again, as the present stabilizers are dialkylhydroxylamine salts, there is no possible overlap with the sterically hindered amine compounds of this publication.

Applicants submit that these 35 USC 102(b) rejections are addressed and are overcome.

Claims 1-8 and 16-22 are rejected under 35 USC 102(b) as being anticipated by Seltzer, et al., U.S. Pat. No. 6,254,724.

The stabilizers of the Seltzer reference are likewise sterically hindered amine based. There is no possible overlap with the dialkylhydroxylamine stabilizers of the present claims.

Claims 1-8 and 16-22 are rejected under 35 USC 102(e) as being anticipated by Biry, U.S. published app. 2004/0074417.

There is no possible overlap of the present claims with the disclosure of this reference as discussed above.

Claims 1-22 are rejected under 35 USC 103(a) as unpatentable over Helling, et al., U.S. Pat. No. 6,102,997.

This reference does not disclose the present hydroxylamine salt compounds.

Further, hydroxylamines are only very generically disclosed (within the definition of R₁) of this reference. Only one specific hydroxylamine is disclosed therein, compound II-10 on col. 11. This specific compound is not encompassed by the present claims.

The success of the present invention, as demonstrated in working Examples 12-18, pages 42-49, could not have been predicted by the disclosure of Helling.

Applicants submit that the present claims, focused on where the stabilizers are hydroxylamine salt compounds, cannot be obvious over the disclosure of Helling.

Claims 9-15 are rejected under 35 USC 103(a) as being obvious over Seltzer.

These rejections are overcome as discussed above. There is no possible overlap of the stabilizers of the present claims with those of Seltzer. The limitations of the present claims cannot be met by the disclosure of Seltzer.

Applicants submit that the obviousness-type double patenting rejections over U.S. published app. No. 2004/0074417, the 35 USC 102(b), 35 USC 102(e) and 35 USC 103(a) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw these rejections.

A terminal disclaimer over co-pending application No. 10/762,077 will be submitted upon all other issues being resolved.

Information Disclosure Statement

Applicants kindly request the Examiner to consider the following U.S. references:

U.S. published app. No. 20020088574,

U.S. published app. No. 20020174964 and

U.S. Pat. No. 6,599,326.

The references are listed on PTO form 1449. The Examiner is respectfully requested to indicate that each reference is considered by returning an initialed copy of form 1449.

An IDS fee letter is attached herewith.

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Attachment: PTO form 1449

IDS fee letter